

REMARKS

The office action of September 21, 2004, has been carefully considered.

It is noted that claims 1 and 10-13 are rejected under 35 U.S.C. 102(b) over the patent to Banerjea.

Claims 2, 4 and 6-10 are rejected under 35 U.S.C. 103(a) over Banerjea in view of the patent to Irifune.

Claims 3 and 5 are rejected under 35 U.S.C. 103(a) over Banerjea in view of Irifune, and further in view of the patent to Durie et al.

In view of the Examiner's rejections of the claims, applicant has canceled claim 2 and amended claims 1, 3 and 4.

It is respectfully submitted that the claims presently on file differ essentially and in an unobvious, highly advantageous manner from the constructions disclosed in the references.

Turning now to the references and particularly to the patent to Banerjea discloses dimpled door hardware. The present invention has a shaft 20 with two locking elements 21, 22 and not rotatable latches 11, 12 that work together with closing pieces 10. In Banerjea two fingers 53 are connected by a rod 46. The fingers 53 only correspond to the latches 11, 12 of the present invention, which, however, are not connected to each other, for example by a shaft. The inventive separated rotary latches 11, 12 only operate with locking elements 21, as shown in Fig. 4 of the present application in the locked position. Fig. 5 shows the unlocked position.

Banerjea states in col. 3, lines 34-37, and lines 38-44, that the locking rods are deflected, but only ``the ends of the locking rods''. The rod 46 does not allow deflection along its entire length so that it can be mounted to a door, as in the presently claimed invention. The rod 46 is mounted in the channel 43 by bearing sleeves 52 so that the rod is not able to deflect. Thus, a bending of the rod 46 of Banerjea for mounting is not possible, as in the present invention.

In view of these considerations it is respectfully submitted that the rejection of claims 1 and 10-13 under 35 U.S.C. 102(b) over the above-discussed reference is overcome and should be withdrawn.

The patent to Irifune discloses a spring that has ``a spring action against tension, compression or torsion''. There is no teaching regarding bendability of an element for mounting purposes as is discussed in the presently claimed invention.

The Examiner combined Irifune with Banerjea in determining that claims 2, 4 and 6-10 would be unpatentable over such a combination. Applicant respectfully submits that neither of these references, nor their combination, teach a lock having the features as discussed above in connection with independent claim 1.

In view of these considerations it is respectfully submitted that the rejection of claims 2, 4 and 6-10 under 35 U.S.C. 103(a) over a combination of the above-discussed references is overcome and should be withdrawn.

The patent to Durie et al. discloses a flexible coupling that is intended to connect rotating elements. Durie et al. do not teach a one-piece construction with lock elements and a shaft between the lock elements. The Durie et al. coupling is hollow in the axial direction and has curved segments 24 next to slits 21, 23, 25. As stated in the abstract the coupling ``decrease variations in torsional stiffness but does **not effect the flexibility** of the coupling''. Thus, Durie et al. provide no teaching concerning a lock that has a bendable shaft for mounting, as in the presently claimed invention.

The Examiner combined Durie et al. with Irifune and Banerjea in determining that claims 3 and 5 would be unpatentable over such a combination. Applicant respectfully submits that none of these references, nor their combination, teach a lock having the features as discussed above in connection with independent claim 1.

In view of these considerations it is respectfully submitted that the rejection of claims 3 and 5 under 35 U.S.C. 103(a) over a combination of the above-discussed references is overcome and should be withdrawn.

Reconsideration and allowance of the present application are respectfully requested.

Any additional fees or charges required at this time in connection with this application may be charged to Patent and Trademark Office Deposit Account No. 11-1835.

Respectfully submitted,

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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, PO Box 1450 Alexandria, VA 22313-1450, on December 21, 2004.

By: *F. Kueffner*
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